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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,918	07/07/2003	Kelly F. Williams	91429MGB	6941

1333 7590 07/03/2007
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,918

Applicant(s)

WILLIAMS, KELLY F.

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-12 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-3, 13-21 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/20/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on April 13, 2007 has been entered and considered and an action on the merits follows.

Oath/Declaration

The Oath/Declaration is objected to because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 (emphasis added).

It states 37 CFR 1.56(a). Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Paxton (US 1,819,480). Paxton discloses a compactor comprising: an elongate compression chamber having a volume, an entrance, and an exit aperture (see the illustration as set forth in the last Office action); a pair of opposing input rollers (37) located at the entrance to the pre-compression chamber, at least one of the rollers provided with rotational drive (page 2, lines 12-14); a

Art Unit: 3725

moveable plunger (48) operable to move the material from the entrance of the pre-compression chamber to the exit to sweep the volume, wherein a first one of the input rollers (see (X) in the illustration in the last Office action) has an arc length exposed in the pre-compression chamber longer than an exposed arc length of a second one (see (Y) in the illustration as set forth in the last Office action) of the input rollers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 14, 15, 19, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paxton (US 1,819,480) in view of Walkup et al. (hereinafter "Walkup") (US 3,109,367).

Regarding claims 1 and 28, Paxton discloses a compactor comprising: an elongate compression chamber having an entrance and an exit aperture (see the illustration as set forth in the last Office action); a pair of opposing input rollers (37) located at the entrance to the pre-compression chamber, at least one of the rollers provided with rotational drive (page 2, lines 12-14); a moveable plunger (48) operable to sweep a volume of the pre-compression chamber between the entrance and the exit. As to the plunger including a flexible material, the patent to Walkup can be applied to teach a press having a plunger (11) including a rigid back bone (17)

Art Unit: 3725

supporting a flexible material (18) in order to establish uniform pressure (col. 5, line 37).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Paxton with the type of plunger having a rigid back bone supporting a flexible material as taught by Walkup in order to establish uniform pressure, thus improving the compacting of the material.

Regarding claim 2, Paxton discloses the pre-compression chamber has a transverse cross section that is inwardly tapered towards the exit aperture (see the illustration as set forth in the last Office action).

Regarding claim 3, Paxton discloses the pre-compression chamber comprises a pair of spaced apart guides defining a passageway having an entrance at one end thereof and defining the exit aperture at the other end thereof, the passageway inwardly tapered at least in a portion in proximity to the exit aperture (see illustration as set forth in the last Office action).

Regarding claim 14, Paxton discloses at least one of the input rollers is faced with a compliant material (i.e. steel, see page 2, line 12).

Regarding claim 15, Paxton discloses each of the opposing input roller is provided with a rotation drive (page 2, lines 13-15).

Regarding claim 19, Paxton discloses a guide wheel (28) (the Examiner interprets the wheel (28) as the guide wheel because while it shredded material, it also guides the material into the input rollers (37)) located in proximity to the input rollers outside of the chamber.

Claims 1, 13, 16-18, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 2,686,466) in view of Walkup et al. (hereinafter "Walkup") (US 3,109,367).

Regarding claims 1 and 28, Lee discloses a compactor comprising: an elongate compression chamber (A1) having an entrance (at the section where the reference number (10) is pointed to in fig. 1) and an exit aperture (at the element (56)); a pair of opposing input rollers (D1 and D2) located at the entrance to the pre-compression chamber, at least one of the rollers provided with rotational drive (44); a moveable plunger (L) operable to sweep a volume of the pre-compression chamber between the entrance and the exit (fig. 1). As to the plunger including a flexible material, the patent to Walkup can be applied to teach a press having a plunger (11) including a rigid back bone (17) supporting a flexible material (18) in order to establish uniform pressure (col. 5, line 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Lee with the type of plunger having a rigid back bone supporting a flexible material, as taught by Walkup in order to establish uniform pressure, thus improving the compacting of the material.

Regarding claim 13, Lee discloses a mechanism (49, 50 and 51) configured to sweep the plunger through the chamber along a curved path (fig. 1).

Regarding claim 16, Lee discloses the input roller comprises a plurality of roller units longitudinal arrayed to provide a roller surface (fig. 9).

Regarding claim 17, Lee discloses sheets of paper are being fed through the input roller (d1 and D2), which have a width smaller than a width of the chamber (figs. 1-4), and thus, Lee discloses the chamber has a width greater than a width of the sheets.

Art Unit: 3725

Regarding claim 18, Lee discloses the chamber extend between a pair of end plates (5 and 10) located at longitudinal ends thereof (fig. 1).

Regarding claim 20, Lee discloses one of the input rollers is moveable laterally to open the entrance to the chamber (col. 7, lines 9-11).

Allowable Subject Matter

Claims 4-12 and 22 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 4 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a slipsheet compactor *comprising the plunger comprises a plurality of outwardly extending fingers and at least one of the guides has corresponding channels for intermeshing with the fingers*, in combination with the rest of the claimed limitations.

Claim 5 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a slipsheet compactor *comprising the plunger comprises a plurality of outwardly extending fingers and at least one of the input rollers has corresponding channels in the surfaces thereof for intermeshing with the fingers*, in combination with the rest of the claimed limitations.

Claim 7 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a slipsheet compactor *comprising the plunger comprises a central backbone with plurality fingers extending outwardly from either side of the backbone*, in combination with the rest of the claimed limitations.

Claim 22 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious a slipsheet compactor comprising two input rollers, a first one of the input rollers has an arc length exposed in the pre-compression chamber longer than an exposed arc length of a second one of the input rollers, *wherein the first one of the input rollers has coefficient of friction lower than a coefficient of friction of the second one of the input rollers*, in combination with the rest of the claimed limitations.

US 5,910,079 to Watanabe discloses an apparatus comprising a chamber having an entrance and an exit (fig. 12), a pair of rollers (1, 2) at the entrance of the chamber for feeding the material into a chamber and a plunger (5) for sweeping a volume of the chamber between the entrance and the exit. But this reference fails to disclose or suggest a plurality of fingers on the plunger.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed April 13, 2007 with regard to claim 21 have been fully considered but they are not persuasive. Applicant argued that the plunger of Paxton does not move from the entrance to the exit, this argument has been considered. However, since the claim does not clearly recite that the plunger operable to move itself from the entrance to the exit, but the claim merely recites "a movable plunger is operatively to move from the entrance ...". Therefore, the examiner broadly interprets that Paxton discloses a moveable plunger (48)

operable to move the material from the entrance to the exit, as set forth in the 35 USC 102 rejection above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

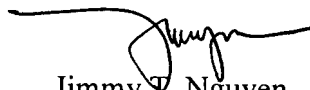
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
June 25, 2007



Jimmy T. Nguyen
Patent Examiner
AU 3725